

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.**

SUMMARY SUIT NO.1942 OF 2006

Prabodh S. Trivedi.	...Plaintiff.
Versus	
Satish Vaman Patkar.	...Defendant.

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Mr. Jain i/b. Legal Juris for the Plaintiff.
None for the Defendant.

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CORAM : DR. D.Y. CHANDRACHUD, J.

March 26, 2007.

P.C.:

The suit has been instituted under Order 37 of the Code of Civil Procedure, 1908, for the recovery of an amount of Rs.1 lakh being the principal amount of a loan advanced by the Plaintiff to the Defendant. The Defendant confirmed and acknowledged his liability by a letter dated 5th May 2005 (Exh.D to the Plaint). The cheque in the amount of Rs.25,000/- furnished by the Defendant on 9th May 2005 was dishonoured on presentation.

The Defendant has not entered appearance despite service of the writ of summons. An affidavit of service has been filed. The Plaintiff has filed a compilation of the original documents on which the claim in the suit is based. On the basis of the documents produced on record, the claim of the Plaintiff has been

duly established. Even otherwise, the claim in the suit falls within the purview of the provisions of Order 37 of the Code of Civil Procedure, 1908. The Plaintiff will be entitled to a decree upon the Defendant having failed to enter his appearance. The suit shall accordingly stand decreed in terms of prayer clause (a), subject to the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum from the date of the suit until payment or realisation.

Refund of Court fee, if any, as per rules.

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